

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claims 7, 9 and 10 have been amended, claims 1-6, 8, 11, 13 and 14 have been canceled without prejudice or disclaimer for filing in a continuation application, and new claim 15 has been added. Thus, claims 7, 9, 10 and 12 are currently pending in the application and subject to examination.

Claims 7, 9, 10 and 12 Recite Patentable Subject Matter

In the Office Action mailed April 22, 2005, claims 1-7 and 9-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Application Publication No. 10-234713 to Takahiro (hereinafter, "Takahiro") in view of U.S. Patent No. 4,150,262 to Ono (hereinafter, "Ono"). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahiro in view of Ono as applied to claim 1 and further in view of Japanese Publication No. H2-86359. It is noted that claims 1-6, 8, 11, 13 and 14 have been canceled, and claims 7, 9 and 10 have been amended. To the extent that the rejections remain applicable to the claims currently pending, the Applicant hereby traverses the rejections, as follows.

Claim 15 recites, in part:

an arm for supporting said holder in said pivot part at a distal end thereof and being supported at the other end thereof on a support member such as to be rotatable around two axes and to be capable of retaining said arm at any desired location and retracting said holder from the human body part, said support member being provided to a part of a vehicle seat; and

a resilient biasing member provided between said arm and said support member and pressing said holder against the human body part through said arm.

The Applicants respectfully submit that none of the cited art of record, alone or in combination, discloses or suggests at least the combination of features of an arm for supporting said holder in said pivot part at a distal end thereof and being supported at the other end thereof on a support member such as to be rotatable around two axes and to be capable of retaining said arm at any desired location and retracting said holder from the human body part, said support member being provided to a part of a vehicle seat; and a resilient biasing member provided between said arm and said support member and pressing said holder against the human body part through said arm, as recited in new claim 15.

The Applicants further note that although Takahiro discloses an axial member having a connection member 7 as a fulcrum, the connection member 7 rotates around only one axis at the end near the strap 4, unlike the claimed invention.

For at least these reasons, the Applicants submit that new claim 15 is allowable over the cited art of record.

As claim 15 is allowable, claims 7 and 9, which depend from claim 15, are allowable for the same reasons as claim 15, as well as for the additional subject matter recited therein.

Claim 10 recites, in part:

contacting a holder for holding said actuator to a human body part at two points, one at a contact part of said actuator and the other at another contact part protruded at a spaced apart location from the contact part of said actuator;

rotating and supporting said holder around a shaft in a pivot part between said contact parts, said shaft being orthogonal to a plane containing said contact parts and said pivot part; and
pressing said holder against the human body part with a pressure and retaining said holder at a given location.

The Applicants respectfully submit that none of the cited art of record, alone or in combination, discloses or suggests at least the combination of features of contacting a holder for holding said actuator to a human body part at two points, one at a contact part of said actuator and the other at another contact part protruded at a spaced apart location from the contact part of said actuator; rotating and supporting said holder around a shaft in a pivot part between said contact parts, said shaft being orthogonal to a plane containing said contact parts and said pivot part; and pressing said holder against the human body part with a pressure and retaining said holder at a given location, as recited in claim 10, as amended.

For at least this reason, the Applicants submit that claim 10, as amended, is allowable over the cited art of record.

As claim 10 is allowable, the Applicants submit that claim 11, which depends from claim 10, is allowable for the same reasons as claim 10, as well as for the additional subject matter recited therein.

Form PTO-1449

The Applicants respectfully note that in the Form PTO-1449 attached to the outstanding Office Action, the references disclosed by the IDS were not initialed by the Examiner. The Applicants respectfully request that the Examiner consider the references and provide a copy of Form PTO-1449 with the Examiner's initials next to

the cited references indicating that the Examiner properly considered the references. A copy of the PTO Form 1449 is attached for the Examiner's convenience.


Conclusion

For all of the above reasons, it is respectfully submitted that claims 7, 9, 10 and 12 are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant hereby petitions for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 referencing client matter number 107156-00211.

Respectfully submitted,
Arent Fox, PLLC


Michele L. Connell
Registration No. 52,763

Customer No. 004372
1050 Connecticut Ave., N.W.
Suite 400
Washington, D.C. 20036-5339
Telephone No. (202) 857-6104
Facsimile No. (202) 857-6395

MLC:elz

Enclosure: Petition for Extension of Time
FORM PTO-1449